

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 STEVEN E. PARKER,) 3:12-cv-00429-HDM-VPC
12 Plaintiff,)
13 vs.) ORDER
14 LORAL LANGEMEIER, WILLIAM MATTOX,)
15 MANNA PROPERTIES, LLC, and AR)
16 RESIDENTIAL RESTORATION, INC.,)
17 Defendants.)
18 _____

19 Before the court is the defendants' partial motion to dismiss
20 (#28) made pursuant to Federal Rules of Civil Procedure 9(b) and
21 12(b)(6). Plaintiff has opposed (#29), and defendants have replied
22 (#30).

23 In his first amended complaint filed on February 12, 2012,
24 plaintiff Steven Parker ("plaintiff") asserts that defendants
25 failed to pay two promissory notes upon their maturity in 2008, one
26 made to defendant Manna Properties ("Manna") and the other made to
27 defendant AR Residential Restoration, Inc. ("AR"). Defendants
28 William Mattox ("Mattox") and Loral Langemeier ("Langemeier") are
alleged to be managers of Manna; Langemeier is additionally alleged

1 to be the president of AR. The complaint asserts three causes of
2 action: (1) breach of contract as to the Manna note; (2) breach of
3 contract as to the AR note; and (3) fraudulent inducement.
4 Defendants move to dismiss plaintiff's claim of fraudulent
5 inducement as insufficiently pled and all claims asserted against
6 the individual defendants on the basis that they are not personally
7 liable for payment of the notes.

8 In his opposition, plaintiff has agreed to withdraw his
9 fraudulent inducement claim as to defendant Mattox. (Pl. Opp'n 13
10 n.5). Accordingly, the defendants' motion to dismiss the
11 fraudulent inducement claim against Mattox is **GRANTED** and that
12 claim is **DISMISSED WITHOUT PREJUDICE**. In all other respects
13 defendants' motion to dismiss (#28) is **DENIED WITHOUT PREJUDICE** to
14 renew as a motion for summary judgment at the close of discovery.

15 IT IS SO ORDERED.

16 DATED: This 24th day of April, 2013.

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UNITED STATES DISTRICT JUDGE
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